



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 04 2014

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article No.: 7006 2760 0000 8653 3593

Danny Matthews
Administrator
City of Council Grove
313 West Main Street
Council Grove, Kansas 66846

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Matthews:

On January 14 – 16, 2014, a representative of the United States Environmental Protection Agency performed an inspection of the City of Council Grove wastewater treatment facility to assess the City's compliance with its National Pollutant Discharge Elimination System Permit No. KS0027898. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report is enclosed for your information on compact disc. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City of Council Grove to provide the information requested in **ENCLOSURE 1 by the deadlines and to the address identified therein.**

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's January 2014 inspection.

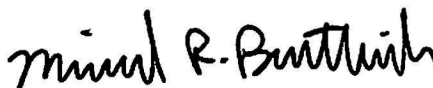


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The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at phone number (913) 551-7810.

Sincerely,


FOR Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Mike Tate, KDHE

ENCLOSURE 1

INFORMATION REQUEST

Re: City of Council Grove, Kansas

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. **Certification.** The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses for question number three (3) only, under section III. Requested Information. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a). For your convenience, the text of 40 C.F.R. § 122.22(a) is included on ENCLOSURE 2.
5. **Confidential Business Information.** If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. **Accurate and Truthful Information Required.** Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.
7. **Submission of Response to Information Request.** All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

ENCLOSURE 1

**Jodi Bruno
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219**

8. Requests for Extension of Time to Respond. If you believe for any reason that you will not be able to send a complete response to this Information Request within the time period identified in Enclosure 1, you may submit a written request for an extension within fifteen (15) calendar days of receipt of this letter. When requesting an extension, you must specify which questions you will need additional time to answer. All other responses should be submitted on or before the end of the specified time period. For more information, contact Jodi Bruno at 913-551-7810.

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I.

Note that except for a cover letter or memorandum 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

Preliminary Information

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

Monitoring Information

3. In order to determine whether the City is in compliance with its NPDES permit, the City shall sample the influent to, and effluent from, its wastewater treatment plant for flow and the pollutants Biochemical Oxygen Demand, Total Suspended Solids and chlorophyll as follows:

- a. Beginning immediately upon receipt of this information request and continuing through the end of June 2014, the City shall monitor/sample the following parameters at the locations and frequencies described below:

Parameter	Location	Frequency	Sample Type
Flow	Influent and Effluent	Daily	Calculated*
BOD	Influent and Effluent	Once per week	24 Hr. Composite
TSS	Influent and Effluent	Once per week	24 Hr. Composite
Chlorophyll	Effluent	Twice per month	24 Hr. Composite

*The City shall report the average daily and daily maximum wastewater influent flow and effluent flow. Continuous monitoring is preferable; however, if the City does not currently possess the necessary

ENCLOSURE 1

equipment to monitor flow continuously, then the City shall take four manual measurements no less than two hours apart and calculate the daily average. The method of flow data collection shall be reported on each Discharge Monitoring Report and Periodic Report.

- b. Except as otherwise specified, the City shall perform monitoring/sampling and analysis of its influent and effluent using the methods required by its NDPES permit and 40 C.F.R. Part 136. Results of all monitoring/sampling and analysis for all samples collected during the reporting month shall be included in the City's DMRS as required by the City's NPDES permit, Standard Conditions Paragraph 4, and 40 C.F.R. § 122.41(l)(4)(ii); and
- c. Periodic Reports on the sampling are to be submitted to the EPA monthly on the 15th day of the month following the completed reporting period. The first report is due on or before May 15, 2014, and shall cover the time period from the receipt of this information request through April 30, 2014. All Periodic Reports must include the following information:
 - i. a table clearly showing the results of all influent and effluent monitoring during the month (including the date monitoring occurred for each parameter and the result); and
 - ii. copies of the analytical results for all sampling required pursuant to this information request.

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).